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Attorney Docket No. 49443 DIV - RCE (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): N. Iwata, et al. EXAMINER: Bernatz, Kevin M.  
SERIAL NO: 09/990,428 GROUP NO.: 1773  
FILED: November 21, 2001 CONFIRMATION NO: 4238

FOR: MAGNETO-OPTICAL RECORDING MEDIUM HAVING A REPRODUCING LAYER  
COMPOSED TO CONTROL MOVEMENT OF DOMAIN WALLS THEREIN (AS  
AMENDED)

**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
(Express Mail label number is **mandatory**.)

I hereby certify that this correspondence and the documents referred to as attached herein are being deposited with the United States Postal Service on this date **April 26, 2004** in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EV 438992641 US** addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rachelle Chery  
(type or print name of person mailing paper)  
Rachelle Chery  
Signature of person mailing paper

**MAIL STOP RCE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and **not** examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**WARNING:** A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

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(Request for Continued Examination (RCE))--page 1 of 6)

*NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

*NOTE: Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).*

### **TIME REQUEST IS BEING MADE**

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☐ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted (petition filed herewith).
- iii. ☒ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☒ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

*NOTE: If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 14
- or ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

### **ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure statement (37 C.F.R. Section 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B) and two references
- ☐ New arguments
- ☐ Copy of Response to Final Office Action Under 37 CFR 116
- ☒ Preliminary Amendment
- ☐ New evidence in support of patentability
- ☐ Other:

**FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

4. This application is on behalf of:

☐ Small entity (and status is still as small entity)

☒ Other than a small entity

Continued Prosecution Request Fee      \$ 770.00

**FEE FOR CLAIMS**

*NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

*37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:*

*(i) The basic filing fee as set forth in Section 1.16; and*

*(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."*

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)					(Col. 2)		(Col. 3) SMALL ENTITY		OTHER THAN A SMALL ENTITY						
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate		Addit. Fee		OR		Rate		Addit. Fee	
Total		Minus		= 0		x \$9 =		\$				x \$18 =		\$0.00	
Indep.		Minus		= 0		x \$43 =		\$				x \$86 =		\$0.00	
[ ] First Presentation of Multiple Dependent Claim						+ \$145 =		\$				+ \$290 =		\$	
Total Addit Fee						\$_____		OR		Total Addit. Fee				\$0.00	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee is required.

**OR**

(d) ☐ Total additional fee required

### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension for _____(months)____	Fee for ____small entity____	Fee for other than ____small entity____
<input type="checkbox"/> one month	\$ 55.00	\$ 110.00
<input type="checkbox"/> two months	\$ 210.00	\$ 420.00
<input type="checkbox"/> three months	\$ 475.00	\$ 950.00
<input type="checkbox"/> four months	\$ 740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for a \_\_\_\_\_ month extension has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) ☒ Applicant believes that no extension of time is required. However, this is a

conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **TOTAL FEE(S) DUE**

**WARNING:** *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Examination Fee (RCE) (Section 1.17(e)) \$ 770.00

**Total Fee(s) Due: \$ 770.00**

### **PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

☒ A Check in the amount of \$ 770.00 is enclosed for Request for Continued Examination.

☐ Charge Account 04-1105 the sum of \$ \_\_\_\_\_

☐ Charge Credit Card the sum of \$ \_\_\_\_\_

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

☒ Account 04-1105

☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### **INVENTORSHIP**

**NOTE:** *Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

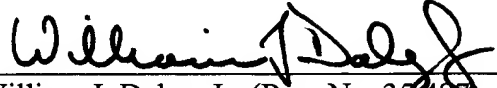
9. This application as amended names as inventors:

☒ the same inventors as previously designated for the claims.

☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
☐ being filed  
☐ been filed

Respectfully submitted,



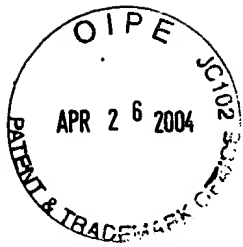
William J. Daley, Jr. (Reg. No. 35,487)  
EDWARDS & ANGELL, LLP  
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Attorney Docket No. 49443 - DIV - RCE (70904)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): N. Iwata, et al. EXAMINER: Bernatz, Kevin M.  
U.S.S.N.: 09/990,428 GROUP: 1773  
FILED: November 21, 2001 Conf. No. 4238  
FOR: MAGNETO-OPTICAL RECORDING MEDIUM HAVING A  
REPRODUCING LAYER COMPOSED TO CONTROL MOVEMENT OF  
DOMAIN WALLS THEREIN (AS AMENDED)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as express mail No. EV 438992641 US in an envelope addressed to the Mail Stop RCE, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on April 26, 2004.

By: Rachelle Chery  
Rachelle Chery

**PRELIMINARY AMENDMENT**

Sir:

Please preliminarily amend the subject application as follows and before calculating the filing fee therefore.

Applicants believe that no extension of time is required for the submission and entry of the Request for Continued Examination (RCE) including the within preliminary amendment since the RCE this response is being filed before the expiration of the time period for submission of the Brief

Inventor: N. Iwata, et al.  
U.S.S.N. 09/990,428  
Preliminary Amendment  
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on Appeal. Applicants, however, conditionally petition for an extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. As provided below charge Deposit Account No. **04-1105** for any required fee.

As indicated above, please preliminarily amend the subject application as follows:

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 8 of this paper.